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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/343,823	06/30/1999	CHARLES CALVIN BYERS	42430-10625	8359

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EXAMINER	
LE, DANH C	

ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/343,823	BYERS ET AL.	
	Examiner	Art Unit	
	DANH C LE	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-7,10-12,14 and 18-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *25-31* is/are allowed.

6)☒ Claim(s) *,3-6,10-12,14,18-24* is/are rejected.

7)☒ Claim(s) *7* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. **Claims 1, 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liao (US 6,292,833) in view of Shefi (US 6,445,794).**

As to claim 1, Liao teaches a telecommunications network (figure 1) which transmits or receives data in the secure environments, comprising:

a customer premise equipment (106) coupled to a terminating network node (col.3, lines 21-36);

an originating network node (108) connected to the terminating network node (106) via at least one other network node (104); and

said at least one other network node (104) equipped with a processor (col.4, lines 38-40) for transmitting a message to the customer premise equipment (106) via the terminating network node, the deny message indicating to a user of the customer premise equipment that a link that does not have private or encrypted information or that uses facilities not absolutely controlled by a network provide (col.5, line 65-col.6, lines 21, col.9, line 62-col.10, line 24, a message is denied is sent to the local service of the mobile devices that the link is not secure which means a link that does not have

private or encrypted information or that uses facilities not absolutely controlled by a network provide, col.6, lines 5-6).

Liao fails to teach the message indicates to the user when the data was transmitted or received in the insecure environment. Shefi teaches the message alerts to the user when the data was transmitted or received in the insecure environment (col.19, line 55-col.20, line 240). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Shefi into the system of Liao in order to alert the mobile user the transmission subject to interception.

As to claim 3, Liao teaches the telecommunications network of claim 1 wherein the originating network node alerts a calling party using a customer premise equipment coupled to the originating network node of presence of said non-private link (col.11, lines 34-40).

2. **Claims 4, 5, 18-21, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liao (US 6,292,833) in view of Shefi (US 6,445,794) and further in view of Buer (US 6,553,496).**

As to claim 4, Liao teaches a method for providing secure transmissions in a telecommunications network (figure 1) comprising the steps of:

establishing a route from an originating network node (108) to a terminating network node (106);

determining whether at least a portion of the route includes a link that does not send or receive private or encrypted information or that uses facilities not absolutely controlled by a network provide (figure 5, 510, col.5, line 65-col.6, lines 21); and

responsive to the step of determining whether at least a portion of the route includes the link (col. 11, lines 20-40). Liao fails to teach prior to connection to said terminating network node, providing an alert of a security status of the route to a calling party using the originating network node and issuing the alert when a previous secure route becomes insecure. Shefi teaches prior to connection to said terminating network node, providing an alert of a security status of the route to a calling party (col.19, line 55-col.20, line 44). Buer teaches issuing the alert when a previous secure route becomes insecure (col.1, lines 56-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Shefi and Buer into the system of Liao in order to alert the mobile user the transmission subject to interception.

As to claim 5, Liao teaches the method of claim 4 further comprising the step of:

completing a call after the alert has been provided (figure 5, steps 510-516).

As to claim 18, Liao teaches telecommunications system (figure 1) comprising:

means for interconnecting a sender and recipient (102,110); and

means for alerting the a sender and recipient when a call path is using at least a link that does not send or receive private or encrypted information or that uses facilities not absolutely controlled by a network provide (col.5, line 65-col.6, lines 21, col.9, line 62-col.10, line 24).

Liao fails to teach the sender is a calling party and the recipient is a called party. Shefi teaches the sender is a calling party and the recipient is a called party (col.19, line 55-col.20, line 44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Shefi into the system of Liao in order to alert the mobile user the transmission subject to interception.

As to claim 19, Liao teaches the telecommunications system of claim 18 wherein the call path traverses a packet data network (col.4, lines 38-40).

As to claim 20, Liao teaches the telecommunications system of claim 18 further comprising means for determining whether the link has been traversed (col.11, lines 16-20).

As to claims 21, Liao teaches the telecommunications system on claim 18 further comprising means for issuing insecure link alert signals to other elements in a telecommunications network (col.11, lines 16-28).

As to claim 23, Liao teaches the telecommunications system of claim 18 wherein the call path traverses a cell network (figure 1).

3. Claims 6,11-12,14, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liao and Shefi in view of Zicker et al (US 5,862,475).

As to claims 6, 11-12,14, 22 and 24, the combination of Liao and Shefi teaches a method for providing security transmissions in communication network on claim 4 above. The combination of Liao and Shefi fails to teach an alert in the system above including a distinctive ring at the recipient's station, an audible voice message, an audible tone, providing a periodic alert, a query screen on a personal computer, warning

signals throughout the call and special parameters for a particular subscriber. Zicker teaches an alert in the system above including a distinctive ring (col.3, 13-20) at the recipient's station, an audible voice message (co.39, lines 42-47), an audible tone (col.40, lines 57-62), providing a periodic alert (col.14, lines 34-38), a query screen (col.24, lines 35-44) on a personal computer, warning signals throughout the call (col.40, line 55-col.41, line 10) and special parameters for a particular subscriber (col.15, lines 5-12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Zicker into the system of Liao and Shefi in order to provide a variety of mechanism for alerting the caller or recipient of the insecure nature.

Allowable Subject Matter

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claim 7, the teaching of prior arts either alone or in combination fails to teach providing the alert includes issuing a message on an identification display associated with one of a station associated with the terminating network node and the calling party (Shefi, col.19, line 55-col.20, line 44).

Claims 25-31 are allowed.

As to claim 25, the teaching of prior arts either alone or in combination fails to teach responsive to a positive result in said determining step and a negative result in

said further determining step, establishing a new rout between said calling party and said called party.

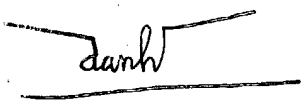
Dependent claims 26-31 are allowable for the same reason.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C LE whose telephone number is 703-306-0542. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



November 24, 2004
DANH CONG LE
PATENT EXAMINER